REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

Applicants have canceled claims 14 and 27-43 directed to non-elected subject matter. Applicants reserve the right to file a divisional application(s) directed to the non-elected subject matter.

The outstanding rejections are as follows:

(1) Claims 1-4, 6, 9, 11, 13, 15-16, 19 and 26 under 35 U.S.C. §102(b) as anticipated over Great Britain Application No. 2 137 918 (Perini);

(2) Claims 1-5, 7-11, 13, 15-19 and 26 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,458,033 (Wierschke); and

(3) Claims 12, 20-23 and 44 under 35 U.S.C. §103(a) as unpatentable over Wierschke in view of U.S. Patent No. 4,033,862 (Spencer).

Claim 1 is the only independent claim under the rejections set forth above. Independent claims 45 and 46 have been added. Claim 25 is currently withdrawn as being directed to a non-elected species.

With regard to the §102 rejection based on Perini, applicants submit that patentable differences exist between the claimed device and the device as taught in Perini.

More specifically, the flexible member of the claimed device has a cyclically variable speed, i.e., the speed is variable in each operating cycle. Each time a series of products (e.g., a set of rolls cut from the same log) is handled by the device, the speed of the flexible member is changed (i.e., a change at each cycle). In this manner, the length of the flexible member along which the contact members are arranged can be much shorter than the length of the log. The speed variation occurs during processing of each series of products such that the gap, i.e., the length of the flexible member devoid of contact members, is synchronized with the position of the tail and head trims of two consecutive series of products.

Conversely Perini teaches that the length of the chain 38 carrying lugs 40 corresponds exactly to the length of a log, i.e., a series of rolls, plus the distance between one log and the next log. The motion of the rolls and the lugs are synchronized at any instant in time during operation, such that each roll is retained and accompanied in its motion by a corresponding lug 40. As a consequence, if the length of the log varies, or if the number of rolls

in a log varies, very complex mechanical interventions are required. In addition, the longer the length of the logs (the series of rolls), correspondingly required is a longer length in the machine. Modern rewinders produce logs of 5 meters and more in length. The machine of Perini would require corresponding lengths which would be very cumbersome.

To clarify this distinction, claim 1 has been amended and new claim 45 added. Amended claim 1 includes language specifying that the flexible member is controlled with a cyclically variable speed to carry the section thereof devoid of contact members every time to a level of tail and hand trimmings of two consecutive series of products. New claim 45 provides that a series of products are introduced sequentially into the device and that the flexible member is controlled with a cyclically variable speed such that the section of the flexible member devoid of contact members is caused to be phased with positioning of the tail and head trimmings of two consecutive series of products.

Applicants submit that amended claim 1 and claim 45 clearly define patentable subject matter over Perini.

An additional patentably distinct feature of the claimed device is the use of contact members which can be

activated to positively "grasp" or "grip" at least the last product of each series. This is obtained by pushing the contact member 29A against the product (embodiment of Figures 1-7) or by closing the two pair of jaws 29X. A cam is provided for this purpose (see e.g., Figures 6, 7 or 9).

Structure to grasp a product is present in claim 3. Claim 3 is asserted by the Examiner as being anticipated by Perini on the basis that the lugs 40 "grip" the logs. Actually, in Perini the logs simply rest on the lugs and no real "gripping" effect is present. Claim 3 has been canceled in favor of new claims 46 and 47.

Claim 46 clarifies the structure which provides an "active" grasping or gripping effect of the contact members. The contact members as claimed are constructed and arranged to cyclically grip and release the product. Further, new claim 47, which is dependent on claim 46 further defines the inclusion of an "activation member", e.g., cam 37 (Figure 9).

Additionally, claim 2 is amended to clarify that the "fixed" nature of the longitudinal supporting element is such that it is stationary. Perini discloses running (i.e., moving) belts 5, which are neither fixed nor stationary because they move at the same speed as the rolls and chain 38.

Accordingly, Perini does not teach each and every element of the claimed device and, therefore, does not anticipate the claimed device within the meaning of 35 U.S.C. §102(b). Withdrawal of the §102(b) rejection is respectfully requested.

As to the rejections under 35 U.S.C. §102 and §103 based on Wierschke as the sole or primary reference of a combination respectively, the device disclosed by Wierschke does not teach or suggest cyclically varying the speed of the pads 29 and 27. The structural concept on which Wierschke is based is entirely different from that upon which applicants' claimed device is based. The device of Wierschke is based on supporting the rolls by suction by means of pads 28, 27. These pads are positioned at a distance which can be set at will (as disclosed in column 4, lines 46-50). Once the length of a log has been determined, the pads 27, 28 are shifted one with respect to the other such that they are arranged in phase with the first and last rolls of each set of rolls (each log). The distance between the pads is such that the tail and head trims are not in contact with any pad and, thus, are not retained by suction and fall out of the machine through gap 16. Since the distance between two pads 27, 28 can be larger than the distance between the last useful roll of a first series and

the first useful roll of a second series of products, movable rails 15 are provided. The rails are brought into an operating position to support the useful rolls (i.e., not the trims), in which position the pads 27, 28 are not present.

Wierschke fails to disclose a cyclical variation in the speed of the pads 27, 28, but rather suggests setting the distance of the pads to conform to the dimensions of the logs (set of rolls) to be handled. Once the distance between the pads 27, 28 and their position with respect to the log pusher have been set, there is no cyclical speed variation.

In addition, Wierschke teaches retention of rolls by suction and not by mechanical means. The claims have been amended to clarify that the products are in contact with and supported by the contact members of the flexible member and by the (preferably stationary) longitudinally supporting element. This dual mechanical support is distinct from and simpler than the suction retention disclosed by Wierschke.

Accordingly, Wierschke does not teach each and every element of the claimed device and, therefore, does not anticipate the claimed device within the meaning of 35 U.S.C. §102.

Further, as to the rejection based on Wierschke in combination with Spencer, Spencer is only relied on as to additional limitations set forth in dependent claims. Accordingly, Spencer does not make up for the shortcomings of Wierschke. Wierschke does not provide any suggestion to modify the structure disclosed therein or in Spencer in order to achieve applicants' claimed device.

Withdrawal of the rejections under 35 U.S.C. §102(b) and §103(a), therefore, based on Wierschke alone or as the primary reference, respectively, is respectfully requested.

Reconsideration and allowance of the application are respectfully urged.

Respectfully submitted,

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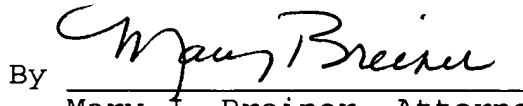
By 

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